

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-CR-216-FL

UNITED STATES OF AMERICA

v.

DANIEL BOYD, et al.,

Defendants.

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ORDER

This case came before the court for a discovery conference on 19 February 2010 to address pending discovery issues. This order memorializes rulings made and other decisions reached at the conference.

In accordance with the discussions at the conference, IT IS ORDERED as follows:

1. Prior to the 12 March 2010 status conference in this case, the parties shall meet and confer in good faith regarding a process for the preparation of a single, common transcription of each portion of the audio and video evidence produced by the government in discovery in this case, as opposed to preparation of one transcription for the government and an entirely separate transcription for defendants. The parties shall include in their discussions on this issue use of a single service for preparation of all the transcriptions, arrangements for sharing the costs of transcription, and measures for addressing any concerns over disclosure of work product claimed to arise from preparation of common transcriptions, including a protective order. The parties shall make every reasonable effort to resolve this issue as soon as practicable to avoid diminution of the efficiencies of using common transcription through the ongoing preparation of separate transcriptions in the meantime. The court also directs the parties' attention to the Guide to Judiciary Policy, Chapter 3, Volume 7A, §§ 320.30.30(a) and 320.30.40, which address the appropriate means

of duplication of transcripts in multi-defendant cases and the standards for transcripts of other than federal court proceedings, respectively.

2. Also prior to the 12 March 2010 conference, the parties shall meet and confer in good faith as to the technology that maybe needed for defendants' review of the computer hard drives that have been recently disclosed to them by the government. The parties shall include in their discussions on this issue whether the government has a "forensic tool kit" that would assist defendants in reviewing the contents of these computer hard drives and whether the government can provide defendants with an index of the contents of these hard drives similar to the one provided with respect to paper discovery.

3. At the status conference on 12 March 2010, the parties shall be prepared to report to the court the actions they have taken with respect to each of the foregoing matters.

4. The court reminds the parties that in order to help ensure that this case proceeds in accordance with the case schedule, the court expects them to seek the court's intervention on a timely basis with respect to issues regarding discovery that they themselves are unable to resolve after a good faith effort to do so without awaiting the next scheduled court proceeding, where appropriate.

SO ORDERED, this the 26 day of February 2010.


James E. Gates
United States Magistrate Judge